

PINNOCK & WAKEFIELD, A.P.C.

Michelle L. Wakefield, Esq. Bar #: 200424
David C. Wakefield, Esq. Bar #: 185736
3033 Fifth Avenue, Suite 410
San Diego, CA 92103
Telephone: (619) 858-3671
Facsimile: (619) 858-3646

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

**OUTERBRIDGE ACCESS ASSOCIATION,
SUING ON BEHALF OF DIANE CROSS;
and DIANE CROSS, An Individual,**

Plaintiffs,

v.

**MARIE CALLENDER'S PIE SHOPS, INC.
d.b.a. MARIE CALLENDER'S #254;
PACIFIC BAGELS, LLC d.b.a.
BRUEGGARS BAGELS; COURTYARD
HOLDINGS, LP; PSS PARTNERS, LLC;
AND DOES 1 THROUGH 10, Inclusive,**

Defendants.

Case No.: 07cv2129 BTM (AJB)

**JOINT MOTION AND MOTION TO
DISMISS ONLY DEFENDANT PACIFIC
BAGELS, LLC d.b.a. BRUEGGARS
BAGELS WITH PREJUDICE FROM
PLAINTIFFS' COMPLAINT.**

[Fed.R.Civ.P. Rule 41(a)(2)]

THIS JOINT MOTION IS HEREBY MADE AND IT IS HEREBY STIPULATED
by and between OUTERBRIDGE ACCESS ASSOCIATION, SUING ON BEHALF OF
DIANE CROSS; and DIANE CROSS, An Individual, Plaintiffs, on the
one hand, and Defendant PACIFIC BAGELS, LLC d.b.a. BRUEGGARS
BAGELS on the other hand, through their respective attorneys of
record that, pursuant to Federal Rules of Civil Procedure, Rule
41 (a)(1) and (2), this Court enter a dismissal with prejudice of

1 ONLY Defendant PACIFIC BAGELS, LLC d.b.a. BRUEGGARS BAGELS from
2 Plaintiffs' Complaint, Case Number: 07cv2129 BTM (AJB).
3 Additionally, dismissal of ONLY Defendant PACIFIC BAGELS, LLC
4 d.b.a. BRUEGGARS BAGELS shall not affect the continuing
5 litigation with the remaining Defendants.

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7 **THIS JOINT MOTION IS HEREBY MADE AND IT IS SO STIPULATED.**

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9 Dated: January 23, 2008

PINNOCK & WAKEFIELD, A.P.C.

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11 By: s/ Michelle L. Wakefield
12 Attorney for Plaintiffs
13 E-mail: MichelleWakefield@
PinnockWakefieldLaw.com

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15 Dated: January 23, 2008

KEENEY, WAITE, & STEVENS

16
17 By: s/ Richard R. Waite
18 Attorney for Defendant PACIFIC
19 BAGELS, LLC d.b.a. BRUEGGARS
BAGELS
E-mail: rwaite@keenlaw.com